THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7174 of 2007

Dated:09.04.2007

Between:
Mangali Pakiramma.

... Petitioner

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7174 of 2007

ORDER:

The petitioner's father-in-law erected a hut bearing No.11/54A in Ward No.4 at Adoni in Kurnool District. She claims that the property belongs to Sri Gopal Rao Babaji Mutt. After the death of her father-in-law, the petitioner is in occupation and statedly paying the tax to the authorities. On 30.01.2007 respondents 2 and 3 asked the petitioner to evict the land. The third respondent then addressed the second respondent to evict the petitioner from the hut, as the same is required for laying a CC road. In response thereto, the second respondent passed orders on 16.03.2007 directing the petitioner to vacate the land. Therefore, the present Writ Petition is filed seeking a declaration and direction.

After perusing the affidavit accompanying the Writ Petition and the material documents, and also after hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court is of considered opinion that the Writ Petition is not maintainable for two reasons. Even before the issuance of the impugned letter/communication dated 16.03.2007 by the second respondent, the petitioner filed a suit, being O.S.No.30 of 2007, on the file of the Court of the Senior Civil Judge, Adoni, against the third respondent for perpetual injunction. She also filed I.A.No.72 of 2007 for *ad interim* injunction. Learned Senior Civil Judge passed *ad*

interim injunction order on 12.02.2007 restraining the third respondent and the Executive Engineer, Adoni Municipality, from interfering with the possession and enjoyment of the petitioner's hut. The injunction is still subsisting. Therefore, even if the second respondent passed the orders, by reason of the injunction, unless and until necessary clarification is sought, the third respondent cannot proceed with laying of CC road. Secondly, the petitioner has also placed reliance on a patta certificate bearing Rc.B.No.301/2007, dated 16.03.2007. If that be so, nothing prevents the petitioner to approach the second respondent and seek redressal. As and when the petitioner approaches, the second respondent may consider the request of the petitioner to detain the property or allot alternative site.

The Writ Petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

09.04.2007
vs